

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL SHEPARD,

Plaintiff,

v.

ALIASGHAR MOHYUDDIN, et al.,

Defendants.

No. 2:20-cv-01445-DC-JDP (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION

(Doc. Nos. 68, 76)

Plaintiff Michael Shepard is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 9, 2024, the assigned magistrate judge issued findings and recommendations recommending that Plaintiff's motion to voluntarily dismiss this action pursuant to Federal Rule of Civil Procedure 41(a)(2), (Doc. No. 69), be granted and that this action be dismissed, without prejudice. (Doc. No. 76.) The magistrate judge also recommended that Defendants' pending motion for summary judgment (Doc. No. 68) be denied as moot. The pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 3.) No objections have been filed, and the time in which to do so has now passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, the

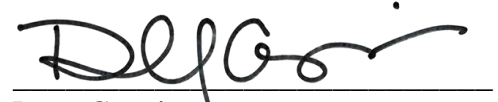
1 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
2 court concludes that the findings and recommendations are supported by the record and proper
3 analysis.

4 Accordingly,

- 5 1. The findings and recommendations issued on September 9, 2024 (Doc. No. 76) are
6 adopted in full;
- 7 2. Plaintiff's request for voluntary dismissal of this action without prejudice (Doc.
8 No. 69) is granted;
- 9 3. This action is dismissed without prejudice;
- 10 4. Defendants' pending motion for summary judgment (Doc. No. 68) is denied as
11 moot in light of this order; and
- 12 5. The Clerk of the Court is directed to close this case.

13 IT IS SO ORDERED.

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15 Dated: **November 7, 2024**


Dena Coggins
United States District Judge